IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1749 OF 2006

Irene Rodrigues ...Appellant

vs.

The Municipal Corporation of
Greater Mumbai ...Respondent

Ms A.P.Pandya i/b Mr.Jitendra Shah for the Appellant
Mr.J.J.Xavier for B.M.C.

CORAM: A.S.OKA,J.
DATE : JANUARY 16,2007.

P.C.:

1. Heard Advocate for the Appellant and the Advocate for the Respondent-Corporation. An undertaking given by the Constituted Attorney of the Appellant dated 10th January 2007 is taken on record and marked ‘X’ for identification. The undertaking is accepted.

2. In view of the said undertaking, I pass the following order :

i) Appeal is dismissed as withdrawn. No order as to costs.

ii) If Application for regularization is made by the Appellant to the concerned Authority of the Respondent-Corporation within a period of six weeks from today, the said Application shall be decided by

the Respondent-Corporation within a period of twenty weeks from today. For a period of twenty two weeks from today, both the parties will maintain status quo as of today in respect of the suit structure.

iii) The order passed on Application for regularization, if any, shall be immediately communicated by the Respondent - Corporation to the Appellant.

iv) If the Appellant fails to apply for regularisation within stipulated period of six weeks, the protection granted will not apply and the Respondent-Corporation will be free to proceed with demolition after expiry of the said period.

v) Parties to act upon an authenticated copy of this order.

JUDGE